

Appl. No. : 10/064,519
Filed : July 23, 2002

REMARKS

Reconsideration and allowance of the above-referenced application respectfully requested.

The indication the claims 13 through 30 are allowed is appreciatively noted. These claims are retained.

Claims 31-36 stand rejected under 35 USC 112, first paragraph, as allegedly failing to comply with the written description requirement. This contention is respectfully traversed.

The rejection alleges that the specification does not adequately explain the step of determining if the disk is pre-recorded or recordable. However, Paragraph 38 of the specification explains that the threshold test is whether the disk is "a stamped disk or some kind of recordable disc". At the end of paragraph 38, the specification explains that "a pre-recorded disk may also be tested in a similar way". Therefore, it is respectfully suggested that paragraph 38 provides a written description basis for claims 31-36.

Since the claims were not rejected over any art in case, these claims should presumably be allowable.

The remaining claims in the case, specifically claims 1-12 and 37-39 are canceled in favor of a divisional application which will be filed in due course.

New formal drawings are attached to obviate the rejection to the drawings.

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because

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the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

For all of these reasons, it is respectfully suggested that all of the claims should be in condition for allowance. A formal notice of allowance is hence respectfully requested.

Please charge any fees due in connection with this response, including the one month extension of time, to Deposit Account No. 50-1387. Moreover, in view of the limited set of issues in the case, the Examiner is encouraged to call the undersigned, in the event that this amendment does not resolve all remaining issues in the case.

Respectfully submitted,

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